

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 CHONG and MARILYN YIM *et al.*,

11 Plaintiffs,

12 v.

13 THE CITY OF SEATTLE, a Washington  
14 municipal corporation,

15 Defendant.

CASE NO. C18-0736-JCC

ORDER

16 This matter comes before the Court on GRE Downtowner, LLC’s (“GRE”) motion for  
17 leave to file a brief in support of Plaintiffs’ motion for summary judgment (Dkt. No. 71). Having  
18 considered the parties’ briefing and the relevant record, the Court hereby DENIES the motion for  
19 the reasons explained herein.

20 **I. BACKGROUND**

21 In August 2017, Defendant, the City of Seattle, enacted Seattle Municipal Code § 14.09,  
22 known as the “Fair Chance Housing Ordinance.” The Ordinance generally prohibits landlords  
23 from considering or inquiring into an applicant’s criminal history when making a rental decision.  
24 On May 21, 2018, Plaintiffs filed a complaint alleging that the Ordinance violates the due  
25 process and free speech provisions of the Washington Constitution and United States  
26 Constitution. (Dkt. No. 1-1 at 14–18.)

1       Over the next eight months, the parties briefed dueling motions for summary judgment.  
 2 (Dkt. Nos. 23, 33, 48, 50.) Those motions raised significant issues of public importance, and  
 3 several interested third parties sought leave to address those issues in *amicus* briefs. (Dkt. Nos.  
 4 26, 28, 39, 42, 44.) The Court directed third parties to file *amicus* briefs no later than November  
 5 23, 2018. (Dkt. No. 25 at 1.) In total, eight third parties filed *amicus* briefs by the deadline. (See  
 6 Dkt. No. 49 at 2–3.)

7       After the parties and *amici* had fully briefed the issues raised in the motions for summary  
 8 judgment, Defendant moved to certify a question to the Washington Supreme Court. (Dkt. No.  
 9 51.) On February 5, 2019, the Court granted the motion and certified three questions. (Dkt. No.  
 10 54 at 2–3.) The Washington Supreme Court answered those questions one year later. (Dkt. No.  
 11 63.) After receiving the Washington Supreme Court’s answers, the parties sought to file limited  
 12 supplemental briefing. (Dkt. No. 64) The Court granted the parties’ request and ordered the  
 13 parties to complete their supplemental briefing by May 22, 2020. (Dkt. No. 68 at 1.)

14       GRE now moves to file one last *amicus* brief in support of Plaintiffs’ motion for  
 15 summary judgment. (Dkt. No. 71.) Defendant opposes the motion. (Dkt. No. 74.)

## 16       **II. DISCUSSION**

17       District courts have “broad discretion” regarding the appointment of *amici*. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). District courts frequently welcome *amicus* briefs from  
 18 non-parties “concerning legal issues that have potential ramifications beyond the parties directly  
 19 involved or if the amicus has ‘unique information or perspective that can help the court beyond  
 20 the help that the lawyers for the parties are able to provide.’” *Skokomish Indian Tribe v. Goldmark*, 2013 WL 5720053, slip op. at 1 (W.D. Wash. 2013) (quoting *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005)).

24       GRE argues that the Court should allow it to file an *amicus* brief because “as a landlord  
 25 of federally assisted housing, GRE can provide information and perspective not already provided  
 26 by the parties and the other *amici*.” (Dkt. No. 71 at 3.) The Court appreciates that perspective.

1 However, the deadline for filing *amicus* briefs passed a year and a half ago, (Dkt. No. 25 at 1),  
2 and the parties and *amici* have exhaustively discussed the legal issues in this case over the course  
3 of 13 briefs, (Dkt. Nos. 23, 33, 38, 39-1, 40, 42-1, 44-1, 48, 50, 69, 70, 76). The Court does not  
4 need additional briefing at this time.

5 **III. CONCLUSION**

6 For the foregoing reasons, the Court DENIES GRE's motion for leave to file a brief in  
7 support of Plaintiffs' motion for summary judgment (Dkt. No. 71).

8 DATED this 9th day of June 2020.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



---

John C. Coughenour  
UNITED STATES DISTRICT JUDGE